Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	Admin. Invest.?	Hit?
02/12/2015	Altadena Station	☐	☐

Incident Information

URN: 915-00340-0774-384	Date: 02/12/2015 Time: 0023
City or Station: Altadena Station	Nature of Incident: Deputy Lested responded to a burglary in progress, when he encountered the suspect hiding behind a vehicle. The deputy believed the suspect was armed and a DIS occurred.
Location: [redacted] El Molino Ave. Altadena, CA 91001	

Location Type (*check one or more*):
☐ Backyard
☐ Beach
☐ Business
☐ Freeway
☐ Industrial
☐ Park
☐ Parking Lot
☐ Residence
☐ Rural
☐ School
☑ Street
Other:

Lighting (*check only one*):
☑ Darkness
☐ Daylight
☐ Other
☑ Street Lights

Weather (*circle only one*):
☑ Clear
☐ Cloudy
☐ Fog
☐ Rain

Distance: 15-20 feet

Incident Type (*check one or more*):
☐ Accidental
☐ Armed Person
☐ Fleeing Suspect
☐ Foot Pursuit
☐ Gun Take Away
☐ Moving Vehicle
☐ Sniper/Ambush
☐ Startle
☐ Struggle Involved
☐ Traffic Stop
☑ Unarmed Person
☐ Unintentional
☐ Vehicle Pursuit
☐ Warrant Service
☐ Warning Shot
Other:

Initiated by (*check only one*):
☐ Arrest Warrant
☑ Call
☐ Observation
☐ One Person Unit
☐ Other
☐ Search Warrant
☐ Two Person Unit

Prior Activity (*check only one*):
☐ Detective
☐ Inmate Transport
☐ Other
☑ Routine Patrol

Aero Unit? ☑ Canine Unit? ☐

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect
1	0

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*check only one*)	ShiftType (*check only one*)
[redacted]	Abdulfattah	Tareq		☑ EM ☐ PM ☐ Day	☐ Regular ☑ Overtime ☐ Off Duty
[redacted]	Moore	Charles		☑ EM ☐ PM ☐ Day	☑ Regular ☐ Overtime ☐ Off Duty
[redacted]	McFarland	Zachary		☑ EM ☐ PM ☐ Day	☑ Regular ☐ Overtime ☐ Off Duty

Non-Employee Witnesses

Last Name [redacted]		First Name [redacted]		M.I.	
Street Address [redacted]	City [redacted]	Zip [redacted]	Work Ph [redacted]	[redacted]	
Last Name [redacted]		First Name [redacted]		M.I.	
Street Address [redacted]	City [redacted]	Zip [redacted]	Work Ph [redacted]	[redacted]	
Last Name [redacted]		First Name [redacted]		M.I.	
Street Address [redacted]	City [redacted]	Zip [redacted]	Work Ph [redacted]	[redacted]	

Supervisors

Employee #	Last Name	First Name	M.I.	(*check one or more*)
[redacted]	Ganarial	John	A	☑ On Duty ☐ Present during shooting ☐ Witness to shooting ☐ Involved in shooting
				☐ On Duty ☐ Present during shooting ☐ Witness to shooting ☐ Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Walker	Darrin	J.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Walker	Darrin	

PSTD Use Only

SH # ____________

Officer Involved Shooting

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
02/12/2015	0230	05/07/2015	

Employee #	Last Name	First Name	M.I.
[redacted]	Mannion	Patrick	J.
[redacted]	Khasaempanth	Catrina	M.
[redacted]	Valencia	Dominic	J

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(SS) SIG Sauer
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	UC					NN	
E#1	S#1	FH	SW	9	Y	Y	NN	

Officer Involved Shooting
Involved Employee Information

URN: 915-00340-0774-384

Involved Employee

E 1

Employee # [redacted]	Last Name: Lested	First Name: Jonathan	M.I.: A
Sex: M Race: W	Rank: DSG	Unit Assignment: Altadena Station	Work Assignment (Unit #, Module, etc.): 73A
ShiftTime (*circle only one*): ☑ EM ☐ PM ☐ Day	ShiftType (*circle only one*): ☑ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used: N/A
Hospital Admission? ☐	Hospital Name: N/A	Coroner Case? ☐	Coroner Case #: N/A — Interviewed? ☐
Hrs of sleep prior to shooting: 6	Duty Time (hrs): [redacted]	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☑ Uniform w/ Vest	Other Factors:
Age: [redacted] Height: 600	Weight: 200		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted] Prior Shootings? ☑	Number of Prior Shootings: 1 — Directed Force: [redacted]
Weapons Fired Brand: S & W — Caliber: 9mm — # Shots: 1	Weapons Fired Brand: — Caliber: — # Shots:		
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): ☐ EM ☐ PM ☐ Day	ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☐ Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit: Prior Shootings? ☐	Number of Prior Shootings: — Directed Force: ☐
Weapons Fired Brand: — Caliber: — # Shots:	Weapons Fired Brand: — Caliber: — # Shots:		
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): ☐ EM ☐ PM ☐ Day	ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☐ Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit: Prior Shootings? ☐	Number of Prior Shootings: — Directed Force: ☐
Weapons Fired Brand: — Caliber: — # Shots:	Weapons Fired Brand: — Caliber: — # Shots:		
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting
Suspect Information

URN: 915-00340-0774-384

Suspect Information

S 1

Last Name: McGlothurn		First Name: Marcus	M.I.: L
AKA Last Name:		First Name:	M.I.:
Sex: M Race: Black	Street Address: [redacted]	City: [redacted]	[redacted]ip Code: [redacted]
Work Phone: [redacted]	Ho[redacted]	Social Security #:	Driver's License #: [redacted]
Age: 18 D.O.B. 01/06/97	Height: 511 Weight: 150	FBI # [redacted]	CII # [redacted]
Booking # 4237092	Primary Charge: 488 PC	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☑	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: N/A		Model:	Year:

S

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

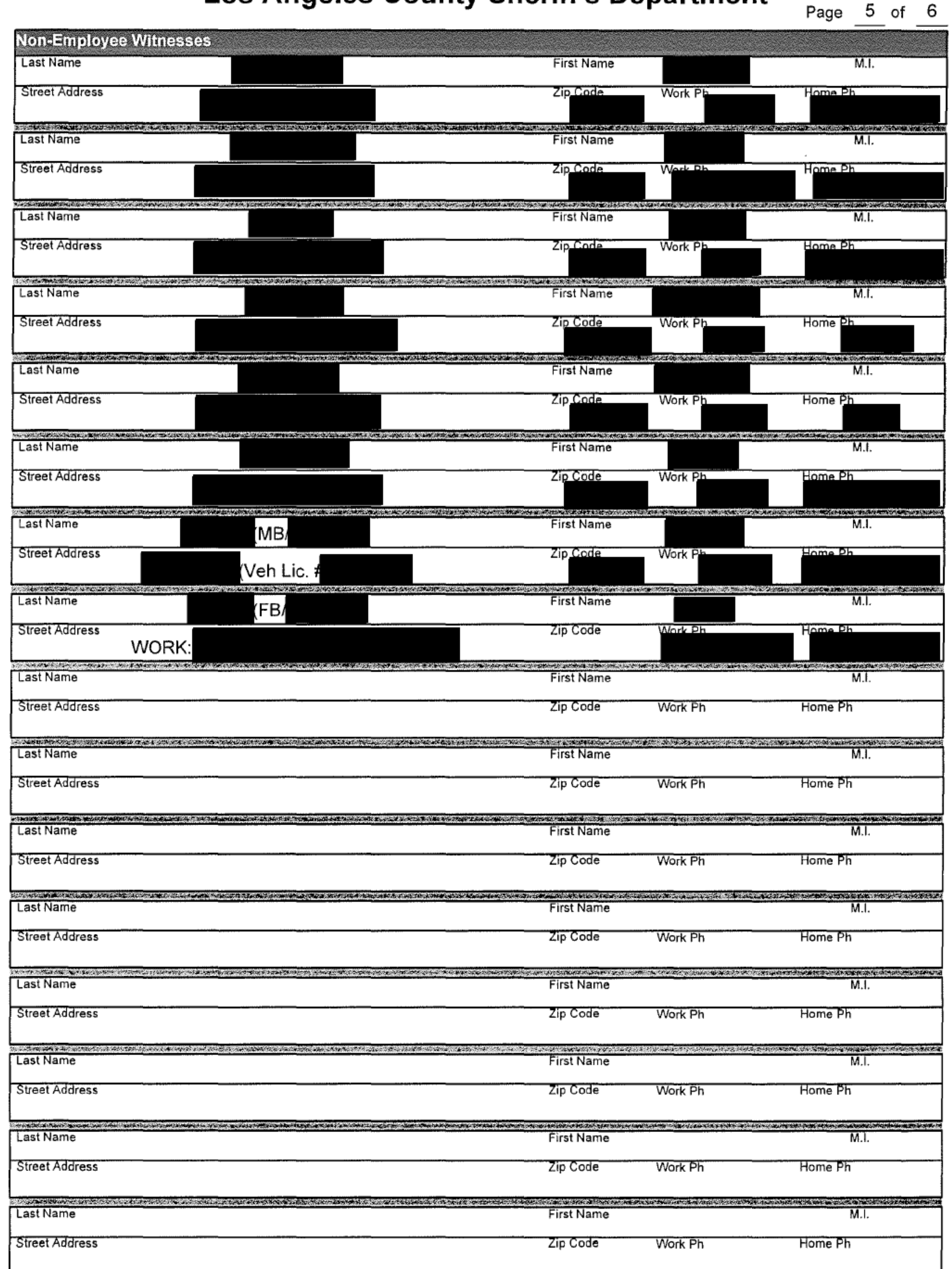
S

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

S

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department



Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted] (MB/ [redacted]	[redacted]		[redacted] (Veh Lic. # [redacted]	[redacted]	[redacted]	[redacted]
[redacted] (FB/ [redacted]	[redacted]		WORK: [redacted]		[redacted]	[redacted]

SUPPLEMENTAL EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Employee Witnesses

Last Name / Street Address	First Name / Zip Code	Work Ph	Home Ph	M.I.
Winters # [redacted]	William			
780 E. Altadena Dr.	91001	626-798-1131	N/A	
Hardison # [redacted]	Sylvester			
780 E. Altadena Dr.	91001	626-798-1131	N/A	
Matthews # [redacted]	Benjamin			
780 E. Altadena Dr.	91001	626-798-1131	N/A	
Giraco # [redacted]	Peter			
780 E. Altadena Dr.	91001	626-798-1131	N/A	
Garcia # [redacted]	Leticia			
780 E. Altadena Dr.	91001	626-798-1131	N/A	
Scarbrough # [redacted]	Donte			
780 E. Altadena Dr.	91001	626-798-1131	N/A	

INVESTIGATIVE SUMMARY

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

UNIT: Altadena Station

DATE: February 12, 2015

TIME: 0023 Hours

LOCATION: [redacted] El Molino Avenue, Altadena, CA 91001

URN#: 915-00340-0774-384

IAB#: SH2374385

SYNOPSIS

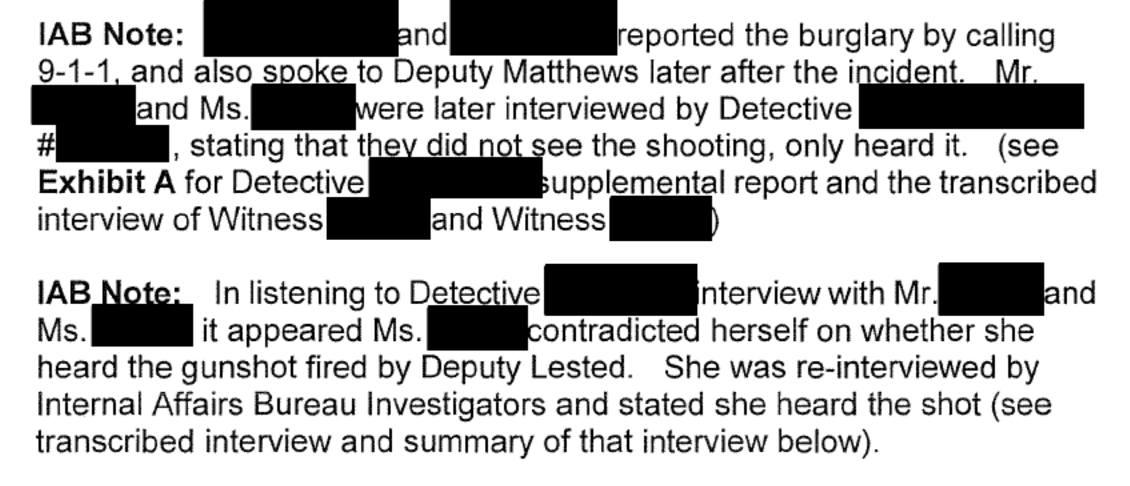
On February 12, 2015, at approximately 0023 hours, Deputy John Lested and his partner Deputy Tareq Abdulfattah, unit 73A, responded to a burglary in progress call in the area of El Molino Avenue, cross of East Sacramento Street, in the city of Altadena. Upon their arrival to the area, along with other assisting Altadena units, they located Suspect Marcus Suspect McGlothurn crouched down and hiding behind two vehicles parked on the west side of El Molino Avenue

Deputy Lested, along with other Altadena deputies, made contact with Suspect McGlothurn, and ordered him to show his hands. Deputy Lested said Suspect McGlothurn stood up with his hands partially in the air, then suddenly dropped his hands towards his waistband. Deputy Lested said Suspect McGlothurn brought his hands up with a dark object in his left hand, causing Deputy Lested to fear that Suspect McGlothurn was armed. Deputy Lested fearing for his life, fired one round at Suspect McGlothurn, striking his clothing, but not his person. Suspect McGlothurn fell to the ground and was taken into custody. Deputy Lested said he noticed several items laying on the ground near Suspect McGlothurn, including a black Apple iPod (nano) which was near his left hand.

INCIDENT

This incident began with an informant contacting the Altadena Sheriff's Station via a transfer from the Pasadena Police Department. The informant described to the dispatcher that a male black, with army pants and a black "hoodie" (Suspect McGlothurn) was breaking into vehicles and tried to get into his vehicle as well. Additionally, while speaking to the dispatcher the informant told the dispatcher Suspect McGlothurn had just

broken into another vehicle (see **Exhibit G** for radio traffic and Altadena Station phone calls during this incident).



> **IAB Note:** [redacted] and [redacted] reported the burglary by calling 9-1-1, and also spoke to Deputy Matthews later after the incident. Mr. [redacted] and Ms. [redacted] were later interviewed by Detective [redacted] #[redacted], stating that they did not see the shooting, only heard it. (see **Exhibit A** for Detective [redacted] supplemental report and the transcribed interview of Witness [redacted] and Witness [redacted])
>
> **IAB Note:** In listening to Detective [redacted] interview with Mr. [redacted] and Ms. [redacted] it appeared Ms. [redacted] contradicted herself on whether she heard the gunshot fired by Deputy Lested. She was re-interviewed by Internal Affairs Bureau Investigators and stated she heard the shot (see transcribed interview and summary of that interview below).

Altadena units 73A (Deputies Lested and Abdulfattah) and 71 (Deputies Scarbrough and Winters) were authorized to respond to the location Code-3 regarding a Burglary Now call. In addition, Altadena units 72 (Deputy Matthews), 72A (Deputy Garcia), 73 (Deputy Moore and Reserve Deputy McFarland) and 71A/P (Deputy Hardison and Reserve Deputy Giraco) responded to the area to assist in apprehending the burglary suspect.

Units arrived in the area of El Molino Avenue north of Sacramento Street, with units 73A, 72, and 71 driving onto El Molino Avenue from the south, while units 71A/P and 73 drove down El Molino Avenue from the north.

As unit 73 arrived on scene, Deputy McFarland saw Suspect McGlothurn crouched down behind two vehicles on the west side of the street, in front of [redacted] El Molino Avenue, with his hands near his waistband. Deputy McFarland gave orders to Suspect McGlothurn to get his hands up, but Suspect McGlothurn was not responding to these commands. As additional personnel exited their vehicles, Deputy Abdulfattah began to yell out to the other personnel walking south, to watch their crossfire, which prompted Deputies Moore, Giraco and McFarland to seek cover behind a radio car east of Suspect McGlothurn and out of the line of fire of personnel coming from the north, on El Molino Avenue

Deputies Scarbrough and Winters, who had stopped their vehicle on El Molino, approximately parallel with the parked cars Suspect McGlothurn was hiding behind, exited their vehicle and began giving Suspect McGlothurn commands to show his hands. Deputy Scarbrough said he (Deputy Scarbrough) was crouched down in such a way, that he had a clear view of Suspect McGlothurn through the window of the second vehicle. He said Suspect McGlothurn had his hands up at about shoulder height, and was standing. Deputy Scarbrough said Deputy Lested was now giving commands to Suspect McGlothurn, so Deputy Scarbrough holstered his weapon, and began to move to the rear of the vehicle, with the intention of going around to handcuff Suspect McGlothurn. Deputy Scarbrough said he heard Deputy Lested tell Suspect McGlothrun to put his hands up in a more forceful way, which made him (Deputy Scarbrough) stop and begin to

retreat from behind the second vehicle. Deputy Scarbrough said within seconds of his retreat he heard a gunshot.

Deputy Winters said he saw Suspect McGlothurn with hands in the air, and saw that Suspect McGlothurn had a dark object in his left hand. Deputy Winters said he saw Suspect McGlothurn lowers his hands toward the ground when he heard a gunshot.

Deputy Lested said he parked his patrol vehicle near two parked cars at [redacted] El Molino Avenue and saw a few deputies out in front of his vehicle. After exiting his vehicle he heard Deputy Abdulfattah yell out to watch for crossfire and additionally heard other deputies yelling, "Show me your hands." Deputy Lested did not immediately draw his weapon and did not see who the deputies were yelling commands to. Deputy Lested was unaware Suspect McGlothurn was behind the two parked vehicles when he moved west towards the sidewalk. Suspect McGlothurn stood up from behind the two vehicles, startling Deputy Lested, with his hands about shoulder height, then started to go down into a crouch.

> **IAB Note:** Deputy Lested described this action by Suspect McGlothurn as "tucking" or "folding" his body over.

Deputy Lested yelled to Suspect McGlothurn to show his hands, because he said Suspect McGlothurn's hands were going toward his waist, and he began to draw his duty weapon at this time. Deputy Lested said Suspect McGlothurn came back up with something in his left hand and he feared Suspect McGlothurn had armed himself. He fired one round at the suspect from his Smith & Wesson M&P9 duty weapon, striking Suspect McGlothurn's clothing on his left side near his hip area. Deputy Lested's shot came from his left hip area (hip shot) and he estimated he was 15-20 feet away from Suspect McGlothurn. He said he shot from the hip position because he felt Suspect McGlothurn had armed himself, he was startled and scared, and felt Suspect McGlothurn had the "jump" on him. Deputy Lested said he did not accidentally discharge his weapon.

After the round was fired, Suspect McGlothurn immediately fell to the ground on his back and several deputies moved to Suspect McGlothurn's location, including Deputy Lested. Deputy Lested observed several items laying around Suspect McGlothurn, including a black iPod (nano) near Suspect McGlothurn's left hand (see pictures in **Exhibit F** and Crime Lab Sketch and Evidence List in **Exhibit D**).

Deputy Lested checked Suspect McGlothurn for injuries, handcuffed him and Deputy McFarland searched Suspect McGlothurn while Deputy Lested stepped away from the situation. Suspect McGlothurn was not found to be armed with a gun, but did have a pocket knife in his possession, which was found on his person by Deputy McFarland (see **Exhibit F**) during his search.

> **IAB Note:** Suspect McGlothurn said in his Internal Affairs Bureau interview that he had nothing in his hands during this incident and that the

iPod (nano) fell out of his jacket pocket when he fell to the ground. In his interview with Altadena Detectives [redacted] and Phillippi, Suspect McGlothurn seemed to contradict himself when he said about the iPod (nano), "I had it in my hand -- well, no. It was like -- yeah, it fell out of my pocket." (see page 25 of Suspect McGlothurn's transcribed interview with the above detectives.) Later in this same interview with Altadena Detectives, Suspect McGlothurn stuck to his story, saying he had nothing in his hands.

Several citizens in the neighborhood were contacted by both Internal Affairs and on scene patrol personnel. No one purported to have witnessed the shooting, however there were a few who said they heard it (see witness statements below and in **Exhibit A**).

Additional Information

Deputy Abdulfattah, during the initial coordination of the burglary in progress, requested that a Sheriff's Department aero unit respond to the call, but he was advised that none were available. A request for a Pasadena City aero unit was made and Pasadena Air-1(PD-1) responded to the call. Pasadena Air-1 the night of this incident contained Pasadena Officers [redacted] (Pilot) and [redacted] (Observer) who were interviewed by the Internal Affairs Bureau. Both Pasadena Officers stated they did not see the shooting and did not see the deputies make contact with Suspect McGlothurn.

Forensic Identification Specialist II Edna Roches #[redacted] responded to the crime scene. She took photographs (Exhibit F) and sketched the location and collected evidence (**Exhibit D**).

Round Count

Deputy Lested was contacted at 0804 hours, at the Altadena Sheriff's Station by Sergeants Patrick Mannion and Catrina Khasaempanth from the Internal Affairs Bureau, to collect his duty weapon (Smith and Wesson M&P 9mm, #MAR[redacted]) and turn it over to Forensic Identification Specialist II Edna Roches #[redacted] This contact was recorded and uploaded into Dictaphone under job #46015.

Deputy Lested's weapon contained 1 bullet (round) in the weapon chamber and 16 bullets (rounds) in the weapon magazine. (See Laboratory Examination Report in **Exhibit C**). This weapon's round capacity is 18 rounds, which includes 17 rounds in the magazine and 1 in the chamber.

INVOLVED PERSONNEL:

Lested, John – Deputy Sheriff #[redacted]
Altadena Station
Patrol - East Division

Date of Employment: 12/02/1999
Date Assigned to Altadena Station: 11/18/2007
Prior Shooting Incident(s): 1

INVOLVED SUSPECT:

Suspect McGlothurn, Marcus
[redacted]

Sex:	Male
Race:	Black
Date of Birth:	01/06/1997
Height:	511
Weight:	150
Charge:	488 PC, Petty Theft

Injury: The suspect sustained no injuries. The bullet entered and exited his clothing on the left side of his body without making contact with his person.

The Consolidated Criminal History System revealed that Suspect McGlothurn was [redacted]

The following narratives are intended only as synopses of the interviews. Additional information and precise wording may be obtained by reviewing the audio recorded interviews and verbatim transcriptions.

INVOLVED EMPLOYEE STATEMENT:

Deputy John Lested

Deputy Lested was interviewed on March 4, 2015, by Sergeant Patrick Mannion and Sergeant Catrina Khasaempanth from the Internal Affairs Bureau. Deputy Lested was represented by Leslie Wilcox from ALADS. Deputy Lested wrote a supplemental report regarding this incident and was provided a copy prior to his IAB interview. Additionally, the morning of this incident, Deputy Lested was interviewed by Altadena Detective Phillippi #[redacted] and Detective Sergeant Nebel #[redacted] This transcribed interview was provided to Deputy Lested prior to his IAB interview.

Deputy Lested said on the night of this incident he was working 73A, with his partner Deputy Abdulfattah, when they responded Code-3 to a burglary in progress call. Deputy Lested said he was the driver, and they responded from the 7-Eleven at Altadena Drive and Washington Boulevard. He said they coordinated with other responding units and they (73A) came into the area from Sacramento west of Lake Avenue.

Deputy Lested said as they travelled west on Sacramento Street they saw someone standing in the street, approximately 100 yards past El Molino Avenue and thought it could be the suspect. After contacting the individual (Witness [redacted], who was flagging them down, they were made aware the suspect (Suspect McGlothurn) went north on El Molino Avenue. Deputy Lested said he put the patrol car in reverse and Deputy Abdulfattah redirected units to that area.

Deputy Lested said he went in reverse all the way back to El Molino Avenue, then drove north. He said more patrol vehicles were now in the area, some coming southbound from Alameda Street, and he stopped his patrol vehicle near two vehicles that were parked on the west curb line [redacted] El Molino Avenue). He said he could see a few deputies out in front of him, so he and Deputy Abdulfattah exited their vehicle. He said Deputy Abdulfattah yelled out "Watch for crossfire," so Deputy Lested did not immediately draw his weapon, and he recognized he did not have a good backdrop as well. Deputy Lested said the other deputies on the call were yelling "Show me your hands," but he could not see who they were calling commands to, and no one told him the suspect was behind the car.

Deputy Lested said he was not sure if the suspect was behind the two cars (he had pulled up to) or in the yard adjacent to him, and said it was dark with a lot of shadows. He said the deputies were still calling out commands, but were now drifting east of him, in the middle of the street, out of his backdrop. He said he started to move west towards the parked cars, when Suspect McGlothurn popped up from behind the cars, out of a crouch, startling him. Deputy Lested said as Suspect McGlothurn was standing up, his hands were about shoulder height, and then Suspect McGlothurn started going back into a crouch. Deputy Lested described this as Suspect Mclothurn folding his body over.

Deputy Lested said he yelled at Suspect McGlothurn, "Show me your hands," because Suspect McGlothurn's hands were going towards his waist, and Suspect McGlothurn said nothing back to him. He said he was drawing his weapon as he said this to Suspect McGlothurn, and Suspect McGlothurn came back up with something in his left hand. Deputy Lested said it was dark and there were shadows, but he thought that Suspect McGlothurn had armed himself. Deputy Lested said he was really scared at that point and "snapped" off one round at Suspect McGlothurn. He said he fired his weapon from his left side, with his weapon just a little bit higher than his (Deputy Lested) hip. Deputy Lested described it as a "kind of a hip shot," and estimated he was 15 to 20 feet away from Suspect McGlothurn. Deputy Lested said he was not using his flashlight at the time of the shooting, leaving it in his vehicle when he exited. Although he had a flashlight mounted on his gun, Deputy Lested said he did not have time to use it.

Deputy Lested said he shot from this position because he felt that Suspect McGlothurn had armed himself, he was startled and scared, and felt Suspect McGlothurn had the jump on him. He said he did not accidentally discharge his weapon and shot only once because Suspect McGlothurn immediately fell backward. Deputy Lested said when he fired his weapon; Suspect McGlothurn's hands were still near his belt area, being a little higher than his waist, and he hoped he was aiming center mass. He said Suspect McGlothurn stood straight up, then fell flat on his back on the sidewalk, so he moved up on Suspect McGlothurn to see if he had a weapon. He said he noticed a lot of items scattered around Suspect McGlothurn, including a black iPod (nano) by Suspect McGlothurn's left hand.

> **IAB Note:** Pictures taken by both IAB investigators and the Crime Lab at the scene, during night time hours, appeared to show the iPod nano to be dark (black) in color. Pictures taken later that day by the Crime Lab showed the iPod to be a purple color (see **Exhibit F**).

Deputy Lested said he was checking Suspect McGlothurn to see if he had been hit by the bullet and did not see any injuries, so he quickly handcuffed Suspect McGlothurn. He said Deputy McFarland approached and they sat Suspect McGlothurn up, and Suspect McGlothurn told him, "You motherfucker, you tried to kill me." He said Deputy McFarland patted down Suspect McGlothurn, and Deputy Lested stepped away from the situation. He said Deputy Abdulfattah put out 998 radio traffic.

During the incident Deputy Lested said he did not remember Deputy Matthews being to the right of him and did not hear anyone tell Suspect McGlothurn to "get down."

Deputy John Lested Interview with Altadena Detective Bureau

Deputy Lested was interviewed the morning of this incident by Detective Lorraine Phillippi #[redacted] and Detective Sergeant Joel Nebel #[redacted] from the Altadena Sheriff's Station. Detective Phillippi summarized their interview in a supplemental report which is contained in **Exhibit A**.

During his interview with the above detectives, Deputy Lested said he responded Code 3 to a burglary now call, with the suspect being described as a male black, and he was breaking into cars. He said the area of the incident was El Molino Avenue and Sacramento Street, and he was "heightened" up looking for the suspect.

Deputy Lested said they were flagged down by a male black (older gentleman) on Sacramento Street, west of El Molino Avenue, advising them the suspect had run north on El Molino Avenue. He said he put the patrol car in reverse and drove north on El Molino Avenue and saw other deputies getting out of their cars.

Deputy Lested said he exited his vehicle with his partner (Deputy Abdulfattah) near two parked cars and did not see anything at this point. He said Deputy Abdulfattah was saying to watch for crossfire because other deputies were facing them, so he delayed in

drawing his weapon.

Deputy Lested said he heard other deputies yelling "Show me your hands" and he thought "Where is he?" because he had not yet seen the suspect. He said he started to move towards the parked car when the suspect "popped up" from a crouching position with his hands shoulder high. He said this scared and startled him and he thought "Oh shit!" He said the suspects hands started to drop down and the suspect also crouched a "little bit," while in the shadow of the two parked cars. Deputy Lested said the suspect's hands went towards his waistband and he became more scared.

Deputy Lested said the suspect's hands started "coming back up" because he was yelling at the suspect to show his hands. He said it looked like the suspect had a dark object in his left hand and he thought it could be a firearm. Deputy Lested said he drew his weapon and "snapped off" a round at the suspect and the suspect fell to the ground on his back. He said he did not tell the suspect to drop what was in hand prior to the shooting because it happened so rapidly and he did not feel he had time.

Deputy Lested said he approached the suspect and saw some items on the ground near him, including an iPod or cell phone adjacent to the suspect.

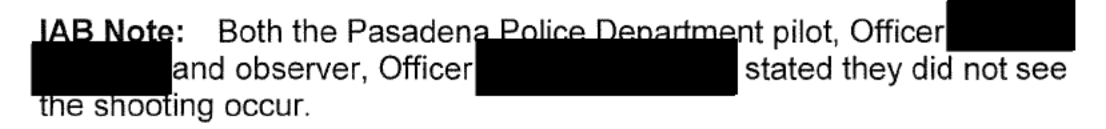
For further see Deputy Lested's transcribed interview with Detective Phillippi contained in this case.

SWORN WITNESS STATEMENTS:

Deputy Tareq Abdulfattah

Deputy Abdulfattah was interviewed by Internal Affairs Bureau on March 3, 2015. He was represented by Leslie Wilcox for ALADS. Deputy Abdulfattah wrote a supplemental report regarding this non-hit shooting and was provided a copy prior to his interview. Deputy Abdulfattah said he was partnered with Deputy Lested the night of this incident and he was working overtime. He said he did not usually work as a partner with Deputy Lested, but Deputy Lested was one of his past trainees.

Deputy Abdulfattah said they responded to a burglary in progress call, in which the call stated that a male, African-American, wearing a black "hoodie" and fatigue army pants was breaking into vehicles near El Molino Avenue and Sacramento Street He said he coordinated the call and requested an airship. Due to the fact an LASD airship was unavailable, he then requested Pasadena's (City) airship. Deputy Abdulfattah said he believed Pasadena (Air 1) arrived after the shooting occurred.


IAB Note: Both the Pasadena Police Department pilot, Officer [redacted] and observer, Officer [redacted] stated they did not see the shooting occur.

Deputy Abdulfattah said as they approached the area they were flagged down by Witness [redacted] on Sacramento Street, west of El Molino Avenue. Witness [redacted] said the suspect went north on El Molino Avenue and Deputy Lested put the car in reverse to go north on El Molino Avenue Deputy Abdulfattah said several units were already on scene (El Molino) and were looking for the suspect. He said he saw Deputy McFarland pointing his gun south (El Molino Avenue) and hollering commands at someone, but he did not know what McFarland was talking about.

Deputy Abdulfattah said they stopped in front of [redacted] El Molino, because it looked like Deputy McFarland was pointing his gun at someone who was hiding behind the cars, but he could not see the suspect. He said they exited their patrol car and Deputy Lested walked towards the sidewalk (west) and he (Abdulfattah) yelled "Crossfire, watch for crossfire," because McFarland was coming from the north and Deputy Lested the south, and had drawn his weapon. He said when he said this Deputy McFarland side stepped to the west and was no longer in the line of fire.

> **IAB Note:** Deputy Abdulfattah assumed Deputy McFarland side stepped to the west because McFarland was no longer in his view and he did not see McFarland in the middle of the street. Deputy McFarland stated in his IAB interview when he heard "crossfire" he side stepped to the east, to a patrol car that was on the east side of El Molino Avenue

Deputy Abdulfattah said he was about to put out (radio traffic) that they were detaining a 459 suspect, when he heard a shot. He said he did not know who fired their weapon so he asked Deputy Lested, "John, did you fire?" He said Deputy Lested said yes, and he (Abdulfattah) put out "998, suspect down" radio traffic because he did not see the suspect stand-up and thought the suspect was hit. Deputy Abdulfattah said Deputy Lested approached and handcuffed the suspect.

Deputy Abdulfattah estimated that from the time Deputy Lested un-holstered his gun to the time of the shooting was no more than 5-6 seconds. He said he was unsure if Deputy Lested was standing on the sidewalk when the shooting occurred and did not know where Deputy Matthews was at.

Deputy Abdulfattah said it was extremely dark at the location, but he was not using the flashlight he had on his weapon. He did not hear the suspect say anything prior to or after the shooting, nor did he hear any directions being given to the suspect, other than Deputy Lested telling the suspect, "Don't move," after the shooting occurred.

Deputy William Winters

Deputy Winters was interviewed by Internal Affairs Bureau on March 3, 2015. He was represented by Leslie Wilcox for ALADS. Deputy Winters wrote a supplemental report regarding this non-hit shooting and was provided a copy prior to his interview. Deputy Winters said he was partnered with Deputy Scarbrough the night of this incident and was working the bookman position.

Deputy Winters said they responded to the burglary now call from the 7-Eleven and rolled tandem behind Deputies Lested and Abdulfattah. He said they arrived at the location by going north on El Molino Avenue, and saw deputies parked on the west side curb line. He said he saw one deputy on the street facing southbound with his gun drawn pointing towards vehicles that were parked on the west side of the street ([redacted] El Molino).

Deputy Winters said as they drove north on El Molino he heard the deputies yelling, "There the guy is," so he looked to his west and saw the suspect crouched down between two vehicles. He said he told Deputy Scarbrough to back up their patrol car, to which Deputy Scarbrough backed up approximately 10 feet, and they both jumped out.

> **IAB Note:** Deputy Winters was shown a map of location and based on his markings, they stopped their vehicle in the middle of the street, directly in front of [redacted] El Molino Avenue (see **Exhibit B**).

Deputy Winters said Deputy Scarbrough ordered the suspect to stand-up and show his hands, and the suspect responded by standing-up real quick and had both hands in the air. He said he noticed something dark in the left hand of the suspect, but he could not see what it was, but also did not think it was a gun. Deputy Winters said he had two flashlights on the suspect. Deputy Winters said he heard Deputy Abdulfattah yell "Watch your crossfire," so he repeated this to the deputies north of him (Deputy Winters) who were moving south on El Molino Avenue, which caused them to move out of the line of fire (to the east).

> **IAB Note:** Deputy Winters said that he believed one of the deputies pointing his gun southbound was Deputy McFarland.

Deputy Winters said he saw Deputy Lested come around the south side of the first parked vehicle the suspect was hiding near and stopped close to the sidewalk. Deputy Winters said he (Deputy Winters) was right next to Deputy Scarbrough and that Deputy Scarbrough was on his right shoulder to his north. He said he thought Deputy Scarbrough had holstered up his gun and was going around to handcuff the suspect, because the suspect was keeping his hands up.

Deputy Winters said he heard Deputy Lested yell, "Show me your hands," and the suspect lowered his hands slowly and bent his body as if to lay down, but then came back up, and Deputy Winters heard a "pop." He described the gunshot as sounding like a taser. Deputy Winters said he did not see the suspect reach for his waistband.

> **IAB Note:** Deputy Winters noted the location of Deputy Lested in **Exhibit B,** by placing an "X" on the map.

Deputy Winters said the suspect dropped to the ground, and he (Deputy Winters) ran around the north side of the parked cars to check on the suspect. He said the suspect was yelling, "You shot me. You shot me," and Deputy Lested handcuffed the suspect.

Deputy Winters said there were no deputies north of Deputy Lested on the sidewalk when the shooting occurred, and that he heard no directions given to the suspect to "get down."

Deputy Donte Scarbrough

Deputy Scarbrough was interviewed by Internal Affairs Bureau on March 3, 2015. He was represented by Leslie Wilcox for ALADS. Deputy Scarbrough wrote a supplemental report regarding this non-hit shooting and was provided a copy prior to his interview. Deputy Scarbrough said he was partnered with Deputy Winters the night of this incident and was the driver of the vehicle.

Deputy Scarbrough said they responded to the location regarding a burglary now call and came to a stop on El Molino Avenue. He said there was another patrol unit to his north that had identified the suspect's location and was giving hand signs to his whereabouts. Deputy Scarbrough said he illuminated the location with his spotlight and saw the suspect, to which he turned off the spotlight and exited his vehicle. Deputy Scarbrough said he knew Deputies Lested and Abdulfattah were to the south of him and that there were two additional units to the north of him. He said he and Deputy Winters were in the middle (of the incident) (see **Exhibit B**).

Deputy Scarbrough said he used the flashlight on his gun to illuminate the suspect and said he could see the suspect through the window of the parked vehicle. He said the suspect was kneeling in an attempt to hide himself and Deputy Scarbrough could see the top of the suspects head. Deputy Scarbrough said he ordered the suspect to stand up with his hands in the air and estimated he was approximately 5 feet from the suspect, with the parked car in between them (see pictures in **Exhibit F**). He said he did not recall where Deputy Winters was at this point.

> **IAB Note:** Deputy Scarbrough noted his location in **Exhibit B,** by placing an "X" on the map.

Deputy Scarbrough said the suspect started to stand-up with hands partially in the air, around shoulder high, and turned his chest towards Deputy Scarbrough. He said he recognized the suspect was obeying his commands and said the commands he was giving were: "Keep your hands in the air," "Let me see your hands." Deputy Scarbrough said at this point he deemed it was clear to go and apprehend the suspect, but prior to this had heard Deputy Abdulfattah warn to watch for a crossfire.

Deputy Scarbrough said he holstered his weapon and started to walk around the rear of the parked vehicle, in a low tactical stance, to apprehend the suspect. He said he took his eyes off the suspect at this point and was pretty sure the suspect was being covered by other deputies. Deputy Scarbrough said he did not see where Deputy Lested was standing because he had been so focused on the suspect and did not tell anyone he was going to apprehend the suspect.

Deputy Scarbrough said as he got to the rear driver's side bumper of the parked vehicle, he heard Deputy Lested yell "Let me see your hands," which made him think Deputy Lested had seen something. He said he looked at this point and the suspect was not where he initially saw him when he exited his patrol vehicle and saw that the suspect had crouched down again. Deputy Scarbrough said this startled him and he started to back-up because he figured Deputy Lested had now seen something different.

Deputy Scarbrough further explained, that when he holstered his gun to apprehend the suspect he figured the situation was under control, but when he took his eye off the suspect and started going around the vehicle, he said, "I guess Deputy Lested seen [sic] something different." (see **page 11 of the transcribed interview with Deputy Scarbrough**)

Deputy Scarbrough said when he heard Deputy Lested yell the command to the suspect he again drew his gun and heard a single gunshot, with-in seconds of backing up. He said he was a "yard or two" away from the vehicle when he heard the gunshot and assumed that either Deputy Lested had shot or the suspect had shot. He said he did not see a muzzle flash. Deputy Scarbrough said the suspect fell onto his back and he saw Deputy Lested approach and handcuff the suspect. He said he did not help in the apprehending or searching of the suspect.

Deputy Scarbrough said his report stated that he had a "clear view" of the suspect and explained his "clear view" during the incident was through the rear passenger side window of the parked vehicle.

Deputy Sylvester Hardison

Deputy Hardison was interviewed by Internal Affairs Bureau on March 3, 2015. He was represented by Leslie Wilcox for ALADS. Deputy Hardison wrote a supplemental report regarding this non-hit shooting and was provided a copy prior to his interview.
Deputy Hardison said he was partnered with Reserve Deputy Giraco the night of this incident.

Deputy Hardison said he was at Altadena Station when a burglary now call came out, so he responded to the location with his partner Rerserve Deputy Giraco, coming in from the north on El Molino Avenue He said an update came out that the suspect was walking north on El Molino, so he thought to himself he must have missed the suspect. Deputy Hardison said he put his car in reverse and went back north on El Molino Avenue, stopping around Morada Place.

Deputy Hardison said he heard Deputy McFarland yelling, "Put your hands up," and saw McFarland facing southbound on El Molino Avenue He said he got out of his vehicle and did not know where the suspect was. Deputy Hardison said he heard numerous other deputies yelling, "Let me see your hands" and "get your hands up," and also heard "Watch your crossfire," which caused him to spin around because he did not know where the crossfire was occurring.

Deputy Hardison said he looked south and remembered seeing a vehicle south of him, with guns pointing north and kind of west of him. He said one of the deputies might have been Deputy Winters. He said maybe a minute after he arrived on scene he heard a shot, and saw Deputy Lested pointing his gun towards the area near the two vehicles (where the suspect was hiding). Deputy Hardison said he (Hardison) was still standing by his vehicle when the shooting occurred. He said he never saw the suspect until the end of the incident.

Reserve Deputy Peter Giraco

Deputy Giraco was interviewed by Internal Affairs Bureau on March 2, 2015. Deputy Giraco wrote a supplemental report regarding this non-hit shooting and was provided a copy prior to his interview. Deputy Giraco said he was partnered with Deputy Hardison the night of this incident.

Deputy Giraco said they arrived at the location by going south on El Molino Avenue. He said they passed Sacramento Street, and Deputy Hardison suddenly put the patrol car in reverse and backed up north on El Molino Avenue approximately 300 feet, and stopped. Deputy Giraco said he saw Deputy McFarland to his right, running southbound on El Molino Avenue with his weapon drawn, and shouting commands at someone. He said he did not know what Deputy McFarland was saying.

Deputy Giraco said he exited his patrol car (passenger side) and saw two more patrol vehicles coming north up El Molino Avenue He said he heard someone say "Watch out for crossfire," or something to that effect, and saw an unknown deputy south of him run west towards the suspect. Deputy Giraco said he then heard a gunshot, but did not know if this deputy (running west) was the one who shot his weapon or if he was being shot at, so he retreated to the rear of his patrol vehicle.

Deputy Giraco said he was looking at Deputy McFarland when the shooting occurred, never saw the suspect (initially) and did not see Deputy Lested shoot his weapon. He said it was dark and the lights of the patrol vehicles to the south of him were shining on him. Deputy Giraco said from the time he exited his patrol vehicle until he heard the gunshot was approximately 3-4 seconds.

After the shooting occurred, Deputy Giraco said he assisted Deputy McFarland in handcuffing and searching Suspect McGlothurn, specifically looking to see if Suspect McGlothurn had been shot, or had any weapons. He said he heard Suspect McGlothurn say, "Why did you shoot?" He said he saw miscellaneous items around Suspect McGlothurn, including a black purse. He said when Deputy McFarland was searching Suspect McGlothurn, he did not see Suspect McGlothurn holding a black iPod (nano), nor did he see Deputy McFarland take a black iPod (nano) out of Suspect McGlothurn's pockets.

Reserve Deputy Zachary McFarland

Deputy McFarland was interviewed by Internal Affairs Bureau on March 2, 2015. Deputy McFarland wrote a supplemental report regarding this non-hit shooting and was provided a copy prior to his interview. Deputy McFarland said he was partnered with Deputy Moore the night of this incident.

Deputy McFarland said they responded to the area regarding a male breaking into cars along El Molino Avenue, and they arrived from the north, going south on El Molino Avenue. He said he saw the suspect, who matched the description in the call, crouched behind a vehicle with hands tucked into his waistband, on the west side of the street. Deputy McFarland said the suspect's knees were up against his chest and it appeared to him that the suspect was trying to make himself as small as possible.

Deputy McFarland said he exited his patrol car approximately 20 to 30 feet from the suspect and had his gun drawn. He said he was detaining the suspect at gunpoint, yelling at him to "get his hands up" and "let me see your hands." Deputy McFarland said the suspect did not respond to him, so he repeated his commands, and at this time other deputies had exited their patrol cars as well.

Deputy McFarland said there were headlights and spotlights from the vehicles that had come north on El Molino Avenue, and he could not tell were the other deputies were at. He said he heard someone yell south of him, "Crossfire, crossfire," and he did not know if he was pointing his weapon at another deputy. Because of this, Deputy McFarland said he sidestepped to the east side of the street near another patrol vehicle, and his view of the suspect became blocked, because the suspect was still crouched down.

Deputy McFarland said Deputy Lested was approaching the suspect from the south with his weapon out and was yelling at the suspect to get his hands up and to remove his hands from his jacket. He said he heard one gunshot and saw smoke emitting from Deputy Lested's gun. Deputy McFarland said he did not see Deputy Lested shoot his weapon and was looking at the suspects last known location when the shooting occurred.

Deputy McFarland said he approached the suspect by walking westbound across El Molino Avenue and by the time he arrived, Deputy Lested was handcuffing the suspect. He said he picked the suspect off the ground and asked him if he was hit. Deputy McFarland said the suspect was yelling and screaming, "You guys almost shot me." He said he lifted up the suspect's shirt and the suspect said he was ok. He said the suspect had a lot of bulky items on him including a folding knife (see **Exhibit F**).

Deputy McFarland said he did not remember finding a black iPod (nano) on the suspect when he searched him, nor did he see anything in his hands during the search.

Deputy Charles Moore

Deputy Moore was interviewed by Internal Affairs Bureau on March 3, 2015. He was represented by Leslie Wilcox for ALADS. Deputy Moore wrote a supplemental report regarding this non-hit shooting and was provided a copy prior to his interview. Deputy Moore said he was partnered with Deputy McFarland the night of this incident.

Deputy Moore said he responded to the burglary now call, with his partner Deputy McFarland, from Altadena Station, and south on El Molino Avenue. As they arrived on scene, Deputy Moore said Deputy McFarland said he saw the suspect, and motioned toward the west curb line near some parked vehicles.

Deputy Moore said he stopped his patrol car approximately 15 feet from the first parked car [redacted] El Molino), and Deputy McFarland immediately exited toward the front bumper of their patrol car. He said he saw other patrol vehicles coming north on El Molino Avenue with their headlights on, and heard Deputy McFarland yelling, "Let me see your hands." He said he could not see the suspect and yelled to McFarland to hold his position, but Deputy McFarland did not hear him.

Deputy Moore said because of the vehicles that came from the south onto El Molino Avenue, he was concerned about a crossfire situation, so he went to grab Deputy McFarland, and saw the suspect standing up but did not see his hands.

Deputy Moore said when he went to grab Deputy McFarland, he heard someone yell, "Watch your crossfire." Deputy Moore said Deputy McFarland heard this and they started backing up towards Deputy Hardison's vehicle (east of their vehicle) and positioned themselves on the east side of it (see **Exhibit B**). He said he then heard a gunshot and looked to where the suspect had been, and saw the suspect go to the ground.

Deputy Moore said he went to approach the suspect, saw him lying face down and yelled out for someone to handcuff him. He said the suspect was handcuffed, searched and the suspect said something Moore could not remember.

Deputy Moore said he did not see the shooting and did not know Deputy Lested had been involved, until after the suspect had been handcuffed.

Deputy Leticia Garcia

Deputy Garcia was interviewed by Internal Affairs Bureau on March 11, 2015. She was represented by Leslie Wilcox for ALADS. Deputy Garcia wrote a supplemental report regarding this non-hit shooting on March 11, 2015, at the direction of Lieutenant Robert Lewis #[redacted] She provided Internal Affairs bureau investigators a copy of this report and stated the reason she was directed to write the report was because the call (Burglary Now) showed she went "97" (was at the scene).

Deputy Garcia said she responded to the burglary call from the 7-Eleven at AltaDena Drive and Washington Boulevard. While traveling to the location, Deputy Garcia said she believed the last update she received, was that the suspect was heading southbound on El Molino Avenue at Sacramento Street, heading towards Woodbury Road. She said she was directed to check the area of Woodbury Road, west of El Molino Avenue, by Deputy Abdulfattah.

Deputy Garcia said she believed, that when she arrived at Woodbury Road and El Molino, she put herself "97," (at the scene) and was checking that area when the "998" (Deputy involved shooting) call was put out on the radio. She said she was on Woodbury Road, just west of El Molino and made a U-turn to respond to the location of the shooting.

Deputy Garcia said when she arrived on scene she saw Deputy McFarland and Deputy Giraco searching the suspect on the sidewalk. She said she went to where the deputies were and assisted by checking the suspect for any wounds or injuries. She said she did this by lifting the suspect's shirt and did not see any injuries.

Deputy Garcia said she left the location shortly thereafter due to an emergent spousal abuse call that was dispatched and was her handle with an assisting Crescenta Valley Station unit.

Deputy Benjamin Matthews

Deputy Matthews was interviewed by Internal Affairs Bureau on March 3, 2015. He was represented by Leslie Wilcox for ALADS. Deputy Matthews wrote a first report (SH-AD-49) regarding this non-hit shooting and was provided a copy prior to his interview.

Deputy Matthews said he was working a one person unit the night of this incident and responded to the burglary now call from the same 7-Eleven Deputy Lested responded from. He said he was west on Sacramento Street just a little behind Deputies Lested and Abdulfattah, when he passed El Molino Avenue. Deputy Matthews said Deputy Abdulfattah put out radio traffic that the suspect was heading north on El Molino Street, so he put his vehicle in reverse and waited for the cars behind him to clear, and then headed up north on El Molino Avenue

Deputy Matthews said he had a patrol car in front of him, believing it to be Deputies Lested and Abdulfattah's car, and stopped behind them near [redacted] El Molino. He said he saw a deputy (McFarland) near the sidewalk facing south with his gun out, so he exited his vehicle and saw the back of someone's head crouching down behind the vehicles facing northbound.

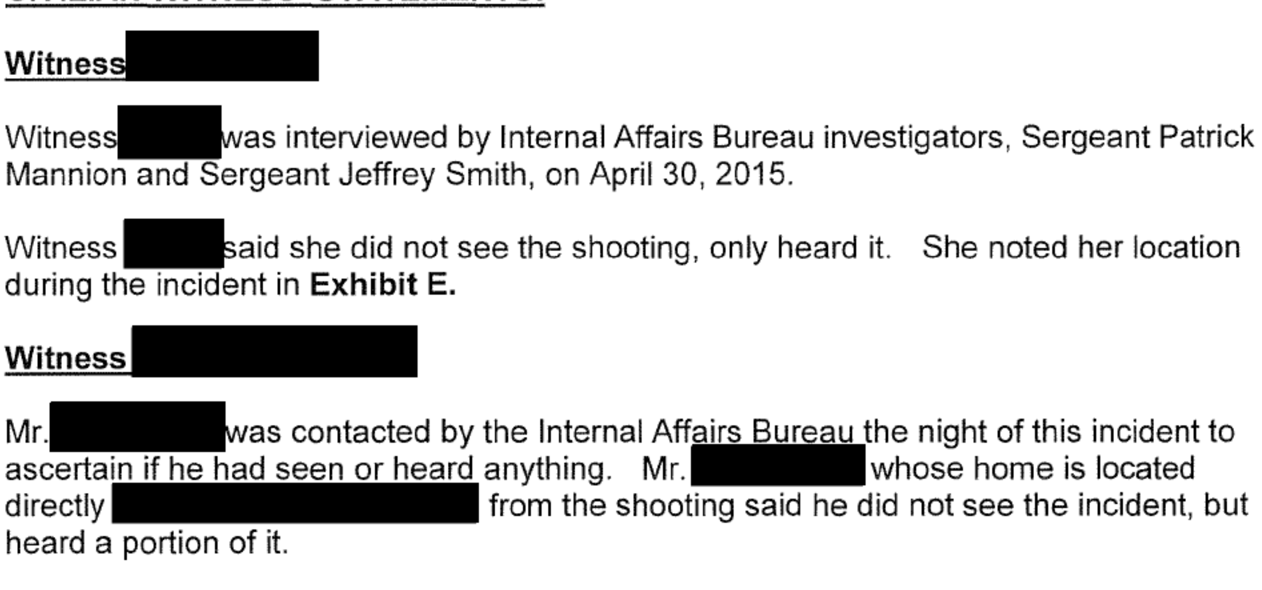
Deputy Matthews said Deputy Lested was at the front bumper of the first parked vehicle the suspect was hiding behind and he (Deputy Matthews) was just behind Deputy Lested. He said he did not remember seeing Deputy Lested with his gun out and he was not communicating with Deputy Lested.

Deputy Matthews said he could not see the suspect's hands because it was dark, so he had his gun drawn, and heard Deputy Scarbrough telling the suspect to show his hands and to "get down." He said he heard Deputy Abdulfattah say to watch the crossfire and heard Deputy Lested say something to the suspect but did not remember exactly what he said. Deputy Matthews said the suspect started to get down on the ground but then "popped up," which startled Deputy Matthews. He said in his mind at this point he needed to get a clear shot at the suspect, so he took a step to his right, just off Deputy Lested's right shoulder, two feet behind Deputy Lested.

> **IAB Note:** Deputy Matthews said he did not recall anyone telling the suspect to stand up.

When he did this, Deputy Matthews said he heard a gunshot, and thought to himself "Oh shit, I just AD'd," but then realized it was not him who shot. He said he saw the suspect lying flat on the ground on his back and thought to himself, that someone just shot the suspect, but said he did not see Deputy Lested shoot his gun. Deputy Matthews said he knew it was Deputy Lested who shot, because everyone (Deputies) was looking at Deputy Lested. Deputy Matthews said he heard Deputy Abdulfattah put out radio traffic and saw Deputy Lested handcuff the suspect. Deputy Matthews did not believe he was using his flashlight during the incident.

Deputy Matthews said when the suspect "popped up" he had his hands in the air, but then brought them down to about his (suspect's) nipple line. He said the suspect had something in his left hand to which he saw a reflection of light come off of it, thinking it was something flat. He said this item turned out to be an iPod (nano), but he did not know this at that time, because it was dark. Deputy Matthews said he did not know if the item was a weapon, but said he felt threatened by it.



CIVILIAN WITNESS' STATEMENTS:

Witness [redacted]

Witness [redacted] was interviewed by Internal Affairs Bureau investigators, Sergeant Patrick Mannion and Sergeant Jeffrey Smith, on April 30, 2015.

Witness [redacted] said she did not see the shooting, only heard it. She noted her location during the incident in **Exhibit E.**

Witness [redacted]

Mr. [redacted] was contacted by the Internal Affairs Bureau the night of this incident to ascertain if he had seen or heard anything. Mr. [redacted] whose home is located directly [redacted] from the shooting said he did not see the incident, but heard a portion of it.

Mr. [redacted] said he was sitting on his couch when he heard high revving engines coming up El Molino Avenue. He said he then heard someone say, "Put your hands up," and then 5-10 seconds later he heard a "pop," stating that it did not sound like a gunshot. He said he looked out his window a minute later and saw the radio cars with their lights flashing. He said after he watched for a while, he saw that the deputies had the suspect up against a car and then placed the suspect in the back of another (patrol) car. Mr. [redacted] said the paramedics arrived and checked on the suspect while he sat in the back seat.

Mr. [redacted] said he never saw the deputies' fight or struggle with the suspect.

Witness [redacted]

Mr. [redacted] was contacted by the Internal Affairs Bureau the night of this incident to ascertain if he had seen or heard anything. Mr. [redacted] lived at [redacted] which was directly [redacted] of the location where the incident occurred.

Mr. [redacted] said he did not hear anything and slept through the incident.

Witness [redacted]

Mr. [redacted] was contacted by the Internal Affairs Bureau the night of this incident to ascertain if he had seen or heard anything. Mr. [redacted] lived at [redacted] which was directly [redacted] of the location where the incident occurred.

Mr. [redacted] said he did not hear or see anything.

Witness [redacted]

Ms. [redacted] was contacted by the Internal Affairs Bureau the night of this incident to ascertain if she had seen or heard anything. Ms. [redacted] lived at [redacted] which was directly [redacted] of the location where the incident occurred.

Ms. [redacted] said she did hear something at around 12:30 (am), because she sat up in her bed and looked at her clock. She said she woke up thinking, "I just heard a gunshot." She said she did not hear any screaming or yelling, or instructions/commands from the deputies, just heard the helicopter overhead and lights shining on her property.

Witness [redacted]

Mr. [redacted] was contacted by the Internal Affairs Bureau the night of this incident to ascertain if he had seen or heard anything. Mr. [redacted] lived at [redacted] which was directly [redacted] of the location where the incident occurred.

Mr. [redacted] said he did not hear or see anything.

SUSPECT STATEMENT:

Marcus Suspect McGlothurn

Suspect McGlothurn was interviewed on February 12, 2015, by Sergeant Patrick Mannion and Sergeant Catrina Khasaempanth of the Internal Affairs Bureau.

Suspect McGlothurn said he was squatting down hiding behind a gray car because he saw the police (deputies) coming, and he had broken into someone's car. He said the deputies were coming from both directions.

Suspect McGlothurn said he saw a deputy get out of his car and the deputy, who had his gun drawn, told him to put his hands up. He said they were making eye contact and he (Suspect McGlothurn) had his hands up, while strait up on his knees, and was told to "get down." He said he was then told (while on his knees) to "get up," so he stood up with his hands up, above his shoulders and he was then shot. He said he did not reach for his waistband or any pockets, but his iPod (nano) did fall out of his pocket when he was shot at. Suspect McGlothurn said there was a lot of deputies telling him to put his hands up and also to get down.

Suspect McGlothurn was asked where his hands were at when he was shot at. Suspect McGlothurn said, "Above my head. Above my shoulders, for sure." Suspect McGlothurn was asked later in his interview if he was told to stand-up. He said, "Well, not really, he was like put your hands up. Like get out. No, he didn't stand up. He was like put your hands up, put your hands up. I'm on the floor, so I got up. I'm up for like a good second, it wasn't like, I got up and he shot me. I was up for a good second. And he shot."

Suspect McGlothurn said the deputy shot at him once and he acted like he was hit, falling back to the ground. He said this was where his iPod (nano) fell out of his jacket pocket. Suspect McGlothurn said he was handcuffed and the paramedics came to the location to check on him.

> **IAB Note:** In his interview with Altadena Detectives [redacted] and Phillippi, Suspect McGlothurn seemed to contradict himself when he said about the iPod (nano), "I had it in my hand -- well, no. It was like -- yeah, it fell out of my pocket." (see page 25 of Suspect McGlothurn's transcribed interview with the above detectives.) Later in this interview, Suspect McGlothurn stuck to his story, saying he had nothing in his hands.

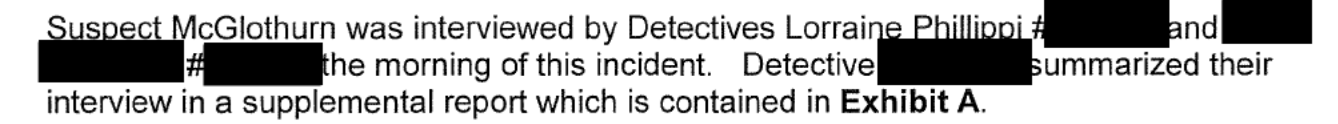
Suspect McGlothurn said he was standing up completely for a "good second," with his hands in the air when he was shot at. He denied reaching for his pockets or having anything in his hands. When asked to clarify where his hands were at when the deputy

(Deputy Lested) first saw him, he said his hands were out in front of him, near his waist band, because he was getting up onto his knees.

> **IAB Note:** While explaining his actions above, Suspect McGlothurn reached for his waistband and was asked about this by this investigator. Suspect McGlothurn was adamant that he did not reach for his waistband during the incident (see page 13 of Suspect McGlothurn's transcribed interview).

Suspect McGlothurn said he had not been drinking alcohol or doing drugs the night of the incident. He said he did not have a history of mental illness and was not under the care of a doctor. Suspect McGlothurn did not believe he did anything that would make the deputy (Deputy Lested) believe he was arming himself with a weapon.

Marcus Suspect McGlothurn Altadena Detective Bureau Interview


Suspect McGlothurn was interviewed by Detectives Lorraine Phillippi #[redacted] and [redacted] #[redacted] the morning of this incident. Detective [redacted] summarized their interview in a supplemental report which is contained in **Exhibit A**.

During his interview with the above detectives, Suspect McGlothurn admitted to stealing items from open vehicles in the area when the police arrived on scene. He said he had heard the sirens and saw headlights far off (in the distance) so he hid behind the vehicles (on El Molino Avenue). Suspect McGlothurn said he saw three to four patrol vehicles on the street with one going past him and two stopping.

Suspect McGlothurn said he was nervous when the police arrived and was given orders to "get down," "get up," and "put your hands up." He said he was lying flat on his stomach and was told to get up so he did with his hands up above his head, and then was shot at. He said he had nothing in his hands, including his iPod (nano), but he had items, including a pocket knife, in his pockets. Suspect McGlothurn said he did not know why the deputy shot at him.

> **IAB Note:** Suspect McGlothurn seemed to contradict himself later in his interview when he said about the iPod (nano), "I had it in my hand -- well, no. It was like -- yeah, it fell out of my pocket." (see page 25 of Suspect McGlothurn's transcribed interview with the above detectives.)

Suspect McGlothurn said he immediately fell to the ground when he was shot at because he did not want to be shot again. He said when he fell to the ground his iPod (nano) fell out of his jacket pocket close to his hand. Suspect McGlothurn said he did not reach for his iPod in his jacket prior to falling to the ground and nothing else was falling out of his pockets that he would reach for, prior to being shot at.

> **IAB Note:** Deputy Lested said the iPod (nano) was lying near Suspect McGlothurn's left hand (see **Exhibit F** for a picture) when he approached Suspect McGlothurn to handcuff him.

Suspect McGlothurn said the deputy who shot him was approximately 10 feet from him and he could see him approaching him and "drawing," prior to this.

For further see Suspect McGlothurn's transcribed interview with Detectives [redacted] and Phillippi contained in this case.

SUSPECT INJURIES:

Suspect McGlothurn sustained no injuries.

DEPUTY PERSONNEL INJURIES:

None

PHYSICAL EVIDENCE:

Evidence regarding this incident was documented and collected by Forensic Identification Specialist II Edna Roches #[redacted] from the Crime Lab. She was present during the collection of Deputy Lested's gun and round count by this investigator.

INVESTIGATORS OBSERVATIONS:

A walk through of the location of the shooting was conducted the night of this incident. The area of the shooting was a residential north south street, with homes boarding the west and east sides of the street. The street was dimly lit with lighting coming from street lights and residential porch type lighting.

WEAPONS USED BY INVOLVED PERSONNEL:

Smith & Wesson M&P9
Serial #MAR[redacted]
9mm

WEAPONS USED BY SUBJECT:

None

PROPERTY DAMAGE:

None

WEATHER AND LIGHTING CONDITIONS:

Clear night, with light being projected in the area by street lights and residential porch type lighting.